

### REMARKS

In the Office Action dated June 29, 2004, claim 24 was objected to; claims 1-5, 7, and 21-29 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,477,669 (Agarwal) alone; and claims 6, 8-11, 13, 14, and 16-20 were rejected under § 103 over Agarwal in view “admitted prior art.”

Claims 1, 2, 25, and 28 have been cancelled, without prejudice, to render the rejections of those claims moot.

Claim 24 has been amended to add a period at the end of the claim, to address the objection raised in the Office Action. Claim 26 is amended into independent form due to cancellation of claim 25 (note that no other claim depends from claim 26). These amendments do not change the scope of the respective claims.

The Advisory Action dated October 29, 2004, indicated that the previously submitted proposed Amendment after final would not be entered because they do “not exclusively correct informalities raised in the final office action.” 10/29/2004 Advisory Action at 2. To address this, claim 28 has been cancelled in the attached Amendment Under 37 C.F.R. § 116. The remaining amendments made in the § 116 Amendment are directed to either canceling claims or to rewriting a claim from dependent form to independent form without changing its scope.

Entry of the § 116 Amendment is requested because it removes issues from appeal (by canceling claims), and because it addresses a minor objection of claim 24 raised in the Office Action (by adding a period to the end of the claim). Also, claim 26 has been merely rewritten into independent form. *See* 37 C.F.R. § 41.33 (“Amendments filed after the date of filing an appeal . . . and prior to the date a brief is filed pursuant to § 41.37 may be admitted as provided in § 1.116 of this title.”). Section 1.116(b) provides that (1) an amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous office action; or (2) an amendment presenting claims in better form for consideration on appeal. The rewriting of claim 26 into independent form does not affect any other dependent claim, as no claim depends from claim 26.

As the § 116Amendment complies with §§ 1.116 and 41.33, it is requested that the § 116 Amendment be entered for consideration on appeal.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 08-2025 (10010736-1).

Respectfully submitted,

Date:

Jan 14, 2005



---

Dan C. Hu, Reg. No. 40,025  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
Telephone: (713) 468-8880, ext. 304  
Facsimile: (713) 468-8883